

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 21, 1973

Application No. 11280 Reid A. Dunn, Jr., appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried by a vote of 3-0, the following Order of the Board was entered at the meeting of March 20, 1973.

EFFECTIVE DATE OF ORDER -- April 11, 1973

ORDERED:

That the application for permission for a variance of side yard requirements to erect a single family dwelling at 3149 O Street, N.W., Lot 71, Square 1256, be GRANTED.

FINDINGS OF FACT:

1. Subject property is located in an R-3 District which is defined by the Zoning Regulations as an area of row dwelling mingled with one family detached dwellings.
2. At the present time the property is vacant but it is the proposal of the applicant to erect a single family dwelling.
3. The subject lot is 25 feet wide, on the west side of the lot is a commercial parking lot for an adjacent drug store and applicant is unable to provide the necessary eight feet as required by the regulations for a side yard.
4. It is the applicant's proposal to build a narrow house, approximately 70" in length if the variance from the strict interpretation of the regulations is GRANTED by the Board.
5. The file contains a letter in support from an adjacent neighbor, in his opinion the variance would enable applicant to build the proposed house and thus create a safer and more attractive lot for the immediate area.
6. No opposition was voiced at the public hearing against the application herein, nor were any letters in opposition submitted to the file for the Board's consideration.

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OPINION:

The Board has reviewed the entire record in the application herein and is of the opinion that to deny the requested relief would deprive the owner of all beneficial use of his land, this we will not do.

Although to permit applicant to build the proposed house right up to the property line, eliminating the required eight foot side yard, has become especially repugnant and frustrating to the Zoning Regulations, we are convinced that justifiable reasons have been presented which merit us GRANTING the applicant the area variance.

We consider the applicant as he presently exists with this peice of property under "practical difficulties" but believe that no actual change in the essential character of the neighborhood will come about as a result of granting applicant the needed relief in which to make beneficial use of his property, and property right.

We are of the opinion that the appellant has proved hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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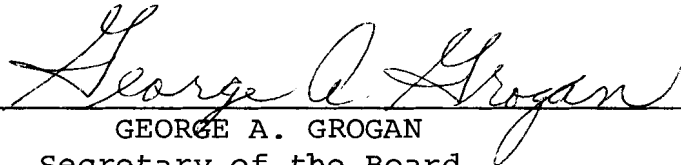
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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.